

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NINILCHIK CHARTERS, LLC,)
)
Plaintiff,)
)
vs.)
)
)
CATERPILLAR, INC., a Delaware)
Corporation,)
)
Defendant.)
) Case No. 3:04-cv-250 (TMB)

PLEASE TAKE NOTICE that the Plaintiff, Ninilchik Charters, LLC, respectfully requests a ruling on the Motion for Summary Judgment filed by Defendant Caterpillar, Inc. on April 7, 2006 for the following reasons:

1. The issue has been fully briefed and is ripe for a ruling. Plaintiff filed an Opposition to Motion for Summary Judgment on April 25, 2006; and Defendant filed a Reply Brief in Support of Motion for Summary Judgment on May 3, 2006.

2. Close of discovery is June 30, 2006, which is imminent.

3. Defendant has indicated its desire to set up other depositions at this time, two of which are out of state.

4. Before incurring substantial additional expense for depositions, Plaintiff would like a ruling on Defendant's motion, which, if granted, would result in the dismissal of this case.

5. Plaintiff's counsel understands that defense counsel would also like a ruling on its summary judgment motion before incurring additional expenses for depositions.

Dated this 20th day of June, 2006, at Anchorage, Alaska.

DAVIS, RANDALL
ANDERSON & MATHIS, P.C.

/s/ Leonard R. Anderson
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Certificate of Service

I hereby certify that on June 20, 2006, a copy of the Foregoing Notice of Status of Inquiry Regarding Ruling was served electronically on:

Frank A. Pfiffner
Hughes Bauman Pfiffner
Gorski & Seedorf, LLC
3900 "C" Street, Suite 1001
Anchorage, AK 99503-5931

/s/ Leonard R. Anderson

Notice of Status of Inquiry Regarding Ruling
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